

CRAIG A. MUELLER, ESQ.  
Nevada Bar No. 4703  
**MUELLER & ASSOCIATES, INC.**  
723 South 7<sup>th</sup> Street  
Las Vegas, Nevada 89101  
Telephone: (702) 382-1200  
Facsimile: (702) 940-1235  
Email: craig@craigmuellerlaw.com  
*Attorneys for Plaintiff*  
**JONOSHA BOOTH**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

JONOSHA BOOTH, an individual

Plaintiff,

vs.

DROCK GAMING, LLC, dba THE D LAS  
VEGAS; SECURITY OFFICER MATTHEW;  
DOES I through XX, ROE BUSINESS  
ENTITIES, I through XX,

Defendant,

Case No. 2:19-CV-01589-APG-BNW

**JOINT DISCOVERY PLAN  
AND SCHEDULING ORDER**

Plaintiff, JONOSHA BOOTH, by and through her attorneys, CRAIG MUELLER & ASSOCIATES, and DROCK GAMING, LLC, dba THE D LAS VEGAS; SECURITY OFFICER MATTHEW (collectively “Defendants”), by and through their attorney, DICKINSON WRIGHT, hereby stipulate and agree to the following [proposed] discovery plan and scheduling order in this matter pursuant to Fed. R. Civ. P. 26(f) and Local Rule 26-1.

**A. Fed. R. Civ. P. 26(f) Conference:** On February 20, 2019, the Parties held a conference to discuss the matters required by Fed. R. Civ. P. 26(f) and LR 26-1. Catherine Ramsey, Esq., of the law firm MUELLER & ASSOCIATES, INC., appeared on behalf of the Plaintiff, Taylor A. Anello, Esq., of the law firm DICKINSON WRIGHT, PLLC., appeared on behalf of Defendants. The parties agreed to exchange their **initial disclosures by March 20, 2020.**

1       **1. Discovery Cut-Off Date:** Plaintiffs filed their Complaint on September 10, 2019. A  
2 Defendant filed their answer on January 7, 2020. Notice of voluntary dismissal was filed on  
3 December 31, 2019 for DESERT ROCK ENTERPRISES, LLC, dba THE D LAS VEGAS.  
4 Discovery cut-off date is August 21, 2020, which is 180 days after the FRCP 26(f)  
5 Conference.

6       **2. Amending Pleadings and Adding Parties:** All motions to amend the pleadings or to  
7 add parties shall be filed not later than May 21, 2020, which is ninety (90) days before the  
8 discovery cut-off date.

9       **3. FRCP 26(a)(2) Disclosure of Experts:** Disclosures concerning experts shall be made  
10 by June 22, 2020, which is the first business day following expiration of sixty (60) days before  
11 the discovery cut-off deadline. Disclosure of rebuttal experts shall be made by July 21, 2020,  
12 which is thirty (30) days after the expert disclosures.

13       **4. Dispositive Motions:** The date for filing dispositive motions shall not be later than  
14 September 21, 2020, which is thirty (30) days after the discovery cut-off date.

15       **5. Pretrial Order:** The date for filing the joint pretrial order shall not be later than  
16 September 22, 2020, which is the first business day following the expiration of the filing of  
17 dispositive motions In the event that dispositive motions are filed, the date for filing the joint  
18 pretrial order shall be suspended until thirty (30) days after decision on the dispositive motions  
19 or until further order of the Court. The parties shall include the disclosures required pursuant to  
20 Fed. R. Civ. P. 26(a)(3), and any objection thereto, with the pretrial order.

21       **6. Interim Status Report:** The parties shall file the interim status report required by  
22 LR26-3 by June 23, 2020, which is the first business day following the expiration of the sixty  
23 (60) days before the discovery cut-off date.

**B. Fed. R. Civ. P. 26(f)(3) Scope of Discovery:**

1. The timing of discovery shall be as permitted under the Federal Rules of Civil Procedure and the Local Rules except as otherwise stated herein. Initial disclosures shall be made within fourteen (14) days following the Rule 26(f) conference.

2. The parties agree that discovery should extend to the full extent allowed by the Federal Rules of Civil Procedure.

3. The Parties do not anticipate at this time that discovery will be required of electronically stored information, or, if required, will not be substantial or voluminous. As a result, the Parties agree that, to the extent there exists electronically stored information responsive to document request at the time of the requests, it can be produced in hard copy and not native format, unless otherwise requested.

4. The Parties currently do not have any specific concerns regarding the disclosure or discovery of privilege protection of trial-preparation materials.

**C. Alternative Dispute Resolution:** The parties certify they met and discussed the possibility of using alternative dispute-resolution processes including mediation and arbitration, no decision has been made. The parties will revisit this issue once initial disclosures and nominal discovery have been completed.

**D. Alternative Forms of Case Disposition:** The parties certify that they considered consent to trial by magistrate judge and the use of the Short Trial Program and opted out of such programs.

**E. Electronic Evidence:** The parties certify that electronic evidence was discussed and that presently there is no intent to present electronic evidence to a jury.

**F. Settlement:** In accordance with Fed. R. Civ. P. (26(f), the Parties discussed settlement but have not reached any agreement at this time.

1       **G.       Later Appearing Parties:** A copy of this Discovery Plan and Scheduling Order  
2 shall be served upon any person served after it is entered or, if additional defendants should  
3 appear, within five (5) days of their first appearance. This Discovery Plan and Scheduling  
4 Order shall apply to such later appearing parties, unless a stipulation of the parties is approved by  
5 the Court, or the Court, on motion for good cause shown, otherwise orders.

6       **H.       Additional Information:**

7               **Additional Provisions Regarding Inadvertent Disclosure / Clawback**

8               In addition to the protection provided in Rule 26(b)(5)(B) regarding inadvertent  
9 production of information subject to a claim of privilege or of protection as trial-preparation  
10 material, the parties agree that disclosure of any document produced in this action could have  
11 been withheld, in whole or in part, based on legitimate claim of attorney-client privilege, work-  
12 product protection, or other applicable privilege (an “Inadvertently Produced Document”) shall  
13 not result in the waiver of any privilege or protection associated with such document, nor result  
14 in a waiver of any kind.  
15

16               Within fourteen (14) days of a demand for the return of any Inadvertently  
17 Produced Document, the producing party shall provide the receiving party with a privilege log  
18 setting forth the basis for the claim of privilege in relation to the Inadvertently Produced  
19 Document. In the event that some portion of the Inadvertently Produced Document does not  
20 contain privileged information, the producing party will also provide a redacted copy of the  
21 Inadvertently Produce Document that omits the information subject to the claim of privilege.  
22

23               If the receiving party disagrees with the producing party’s designation of an  
24 Inadvertently Produced Document as privileged, it may object to such a designation by providing  
25 written notice within fourteen (14) days of receipt of a written demand for return of the  
26 subject Inadvertently Produced Document. Should the parties fail to reach agreement following a  
27  
28

1 meaningful attempt to resolve the dispute, any such objection shall be resolved by the Court after  
2 an *in-camera* review of the Inadvertently Produced Document. No party may use any disputed  
3 document in the litigation while resolution of such a dispute is pending.

4 **I. Court Conference:** The Parties do not request a conference with the Court before  
5 the entry of this Scheduling Order.

6 DATED this 20<sup>th</sup> day of March, 2020.

DATED this 20<sup>th</sup> day of March, 2020.

8 MUELLER & ASSOCIATES, INC.

DICKINSON WRIGHT, PLLC.

9 /s/ Craig A. Mueller

/s/ Taylor A. Anello

10 CRAIG A. MUELLER, ESQ.  
11 723 S. 7<sup>th</sup> Street  
12 Las Vegas, Nevada 89101  
Attorney for Plaintiff

TAYLOR A. ANELLO, ESQ.  
8363 West Sunset Road, Suite 200  
Las Vegas, Nevada 89113  
Attorney for Defendants

13 **ORDER**

14 IT IS SO ORDERED this 23<sup>rd</sup> day of March, 2020.

15  
16   
17 UNITED STATES MAGISTRATE JUDGE  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 **CERTIFICATE OF SERVICE**

2 As an employee of MUELLER & ASSOCIATES, I certify that a copy of the foregoing  
3 **JOINT DISCOVERY PLAN AND SCHEDULING ORDER** was served by the method  
4 indicated:

- 5 ☐ **BY FAX:** by transmitting via facsimile the document(s) listed above to the fax number(s)  
6 set forth below on this date before 5:00 p.m. pursuant to EDCR Rule 7.26(a). A printed  
7 transmission record is attached to the file copy of this document(s).
- 8 ☐ **BY U.S. MAIL:** by placing the document(s) listed above in a sealed envelope with postage  
9 thereon fully prepaid, in the United States mail at Las Vegas, Nevada addressed as set forth  
10 below.
- 11 ☒ **BY ELECTRONIC SERVICE:** submitted to the above-entitled Court for electronic  
12 service upon the Court's Registered Service List for the above-referenced case.
- 13 ☐ **BY EMAIL:** by emailing a PDF of the document listed above to the email addresses of the  
14 individual(s) listed below.

15 DATED this 20<sup>th</sup> day of March, 2020.

16 */s/ Susie Ward*

17 \_\_\_\_\_  
18 An Employee of MUELLER & ASSOCIATES  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28